

NOTE: This disposition is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

---

**ROGER J. BROWN,**  
*Petitioner,*

v.

**DEPARTMENT OF VETERANS AFFAIRS,**  
*Respondent.*

---

2010-3175

---

Appeal from the Merit Systems Protection Board in  
No. DE0432090182-I-3.

---

**JUDGMENT**

---

MINNETTE BURGES, Burges Law Offices, of Tucson,  
Arizona, argued for petitioner.

JESSICA R. TOPLIN, Trial Attorney, Commercial  
Litigation Branch, Civil Division, United States  
Department of Justice, of Washington, DC, argued for  
respondent. With her on the brief were TONY WEST,  
Assistant Attorney General, JEANNE E. DAVIDSON,  
Director, and REGINALD T. BLADES, JR., Assistant  
Director.

---

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (RADER, *Chief Judge*, LOURIE and O'MALLEY, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

May 10, 2011  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk